

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA,

Plaintiff,

v.

No. 5:24-cv-00461-HE

MIGUEL CARDONA, in his official capacity as
Secretary of Education; and UNITED STATES
DEPARTMENT OF EDUCATION,

Defendants.

DECLARATION OF PEYTON MOSER

I, Peyton Moser, hereby declare as follows:

1. I am 15 years old. I attend Southwest Covenant in Yukon, Oklahoma, where I will be starting my sophomore year this Fall.
2. I have played sports all my life. My freshman year at Southwest Covenant, I ran cross country for the track team and played girls' basketball. Due to a hip injury/condition, I will not play this coming year but will be a manager on the girls' basketball team. Although I will not be on the court (or track), as a team manager I would still be in the girls' locker rooms, restrooms, and similar spaces.
3. I believe it is very important to protect women's sports and women's spaces. Those should be kept for women, based on biology, not based on self-identification.
4. At Southwest Covenant, the school's policy is to separate sports and facilities based on sex, not on identity. I think this is the correct approach for safety, privacy, and competitiveness. Although I'm not certain, I don't think Title IX would apply to us because we are a private school. But we are a part of the Oklahoma Secondary Schools Athletics Association (OSSAA), meaning that we play against public schools. So any law or rule that covered the public schools in Oklahoma would also affect us. If public schools were

required to allow males to participate in female sports, our females would have to play against those males.

5. Male and female athletes are not the same. This is basic biology. Boys, especially at the high school level and beyond, naturally have a higher muscle mass, better bone strength, testosterone, etc. This helps males to be faster, stronger, and just generally better athletes. This is not derogatory to women at all, it's just the truth, and why their sports should be separate as they have always been.
6. Several years ago, I played on a girls' volleyball team at a YMCA. One of the teams we played against had a transgender athlete, a male who identified as a female. Even at that age, he was clearly better than the girls, and his performance made it nearly impossible to win against that team.
7. In addition to the difference in competitiveness, there is a greater chance that female athletes will be injured competing against males, especially in contact sports. Women naturally have a lower bone density, and even without fierce competition, it is easier for women to get injured in sports. Add to the equation someone who is bigger, stronger, and faster, it's likely that will lead to more injuries.
8. Off the court, I also care deeply about keeping restrooms, locker rooms, and similar areas exclusively for women. To open those spaces up to men who identify as women I feel like is a gateway for sexual exploitation. I'm afraid it could lead down a dark path to sexual abuse. But even aside from that, it is a matter of basic privacy. Girls should not be forced to share intimate spaces with members of the opposite sex. It's uncomfortable enough already for young women in locker rooms and bathrooms, since you're changing in front of other people. But then you add people of the opposite sex into the mix, it's just incredibly

invasive. For sports where you have to completely undress, it's particularly troubling. You might as well take the "men/women" sign off the locker room door. Women deserve the right to have privacy in our own spaces. It's about respect, it's about decency, it's about dignity.

9. My beliefs are grounded in common sense, basic biology, and the fact that I am a Christian.

As a Christian, I believe that God created us to be men and women.

10. I strongly oppose any effort to require males to play in women's sports, or to require them to be allowed in women's restrooms, showers, and locker rooms.

I declare under penalty of perjury that the above statements are true and correct. Executed this 4th day of July, 2024, in Oklahoma City, Oklahoma.



Peyton Moser